

**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BUTTE DIVISION**

SHAUNA WINTERS,

Plaintiff,

Civil No. 2:21-cv-00033-BMM

-v-

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

Order Awarding Attorney's Fees
pursuant to the Equal Access to Justice Act,
28 U.S.C. § 2412(d)

Before the Court is the Motion of Plaintiff, Shauna Winters, for award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). Based on the pleadings as well as the position of the defendant commissioner, and recognizing the Plaintiff's waiver of direct payment and assignment of EAJA to her counsel,

IT IS HEREBY ORDERED that **attorney fees and expenses** in the total amount of Ten Thousand Six Hundred Thirty-Two Dollars and Ninety-Five Cents (\$10,632.95) pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) are awarded to Plaintiff.

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to Olinsky Law Group. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

If the U.S. Department of the Treasury determines that Plaintiff's EAJA fees and expenses are not subject to offset allowed under the Department of the Treasury's Offset Program (TOPS), then the check for EAJA fees, expenses, and costs shall be made payable to Plaintiff's attorney, Eric Rasmusson. Any payment may be made either by electronic fund transfer (ETF) or by check.

Whether the check is made payable to Plaintiff or to Eric Rasmusson, the check shall be

mailed to Eric Rasmusson.

Dated this 10th day of March, 2023.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a large, stylized "B" and "M".

Brian Morris, Chief District Judge
United States District Court